

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MITCHELL KEITH GOODRUM,

Plaintiff,

v.

CHURCHILL COUNTY CLERK OF  
COURT, *et al.*,

Defendants.

Case No. 3:20-cv-00538-MMD-WGC

ORDER

*Pro se* Plaintiff Mitchell Goodrum filed a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) Goodrum has also filed two applications to proceed *in forma pauperis* (“IFP”) and a motion for appointment of counsel. (ECF Nos. 1, 1-2, 3.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 4), recommending that Goodrum’s second IFP application be granted, first IFP application be denied as moot, motion for appointment of counsel be denied as moot, and that this case be dismissed with prejudice. Goodrum had until April 6, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts Judge Cobb’s R&R and will dismiss this case with prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the

1 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory  
2 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no  
3 clear error on the face of the record in order to accept the recommendation.”).

4 Because there is no objection, the Court need not conduct *de novo* review, and is  
5 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends Goodrum’s  
6 second IFP application be granted as Goodrum has an account balance of \$0.03 with a  
7 zero average monthly deposit. (ECF No. 4 at 3.) Judge Cobb further recommends that  
8 Goodrum’s complaint be dismissed as: (1) prosecutors and clerks have absolute and  
9 quasi-judicial immunity against Goodrum’s allegations; (2) the exercise of prosecutorial  
10 function entitles a prosecutor to absolute immunity; (3) Goodrum fails to establish under  
11 § 1983 that the alleged conduct was undertaken by an individual acting under the color  
12 of state law; and (4) Goodrum cannot pursue criminal conduct in a civil complaint. (*Id.* at  
13 5-6.) The Court agrees with Judge Cobb. Having reviewed the R&R and the record in this  
14 case, the Court will adopt the R&R in full.

15 It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No.  
16 4) is accepted and adopted in full.

17 It is further ordered that Plaintiff Mitchell Goodrum’s first application to proceed *in*  
18 *forma pauperis* (ECF No. 1) is denied as moot.

19 It is further ordered that Plaintiff Mitchell Goodrum’s second application to proceed  
20 *in forma pauperis* (ECF No. 3) is granted. Given Goodrum’s low balance, the Court will  
21 not require Goodrum to make an initial payment. However, when Goodrum’s prison  
22 account exceeds \$10.00, Goodrum will be required to make monthly payments in the  
23 amount of 20% of the preceding month’s income credited to Goodrum’s account until the  
24 \$350.00 filing fee is paid. This is required even if a case is dismissed or is otherwise  
25 unsuccessful.

26 It is further ordered that Plaintiff Mitchell Goodrum’s motion for appointment of  
27 counsel (ECF No. 1-2) is denied as moot.

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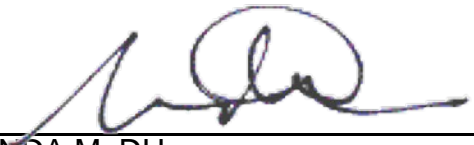
1 The Clerk of Court is directed to file Plaintiff Mitchell Goodrum's complaint (ECF  
2 No. 1-1).

3 The Clerk of Court is further directed to send a copy of this order to the attention  
4 of *Chief of Inmate Services for the Nevada Department of Corrections*, P.O. Box 7011,  
5 Carson City, Nevada 89702.

6 It is further ordered that this case be dismissed with prejudice.

7 The Clerk of Court is directed to enter judgment accordingly and to close this case.

8 DATED THIS 8<sup>th</sup> Day of April 2021.

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13 MIRANDA M. DU  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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